

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

EUGENE K. JONES-EL,)
Plaintiff,)
v.)
CHANTAY GODERT, et al.,)
Defendants.)
No. 2:18-CV-65-JMB

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion in Limine (ECF No. 178) and Plaintiff Eugene K. Jones-El's Consolidated Motions in Limine (ECF No. 179).

IT IS HEREBY ORDERED that the parties shall submit proposed voir dire questions for the Court by September 1, 2022.

IT IS FURTHER ORDERED that the parties shall submit deposition transcripts, and identify objections that require resolution for the Court by September 1, 2022.

Pursuant to the August 16, 2022, pretrial conference and upon consideration of the respective motions, the Court finds as follows to Defendants' Motion in Limine (ECF No. 178):

IT IS FURTHER ORDERED that Defendants' motion in limine to exclude reference to financial disparity of the parties is **sustained** subject to being addressed in a side bar at trial. As to the source of award for damages, the motion is **sustained** as unopposed.

IT IS FURTHER ORDERED that Defendants' motion in limine to exclude lay testimony regarding causation or aggravation of Plaintiff's dental conditions is **sustained** as to causation and **denied** to the extent that witnesses will be allowed to testify about what they sensed, heard, saw, tasted, and felt, and **sustained** as to testifying like a dentist. As to Plaintiff's

testimony, the motion is **denied** to the extent Plaintiff may testify as to his pain, how his dental conditions changed, swollen gums, no hygiene items for seven months, periodontal disease, bleeding, and mouth aggravation subject to Defendants objecting at trial.

IT IS FURTHER ORDERED that Defendants' motion in limine to exclude evidence of Plaintiff's prior lawsuits and 2014 settlement agreement is **sustained**, at this juncture, but will perhaps be revisited during rebuttal.

IT IS FURTHER ORDERED that Defendants' motion in limine to exclude evidence of availability of hygiene items before November 7, 2017, and after June 30, 2018, is **sustained**, at this juncture, subject to revisiting once evidence has been presented.

IT IS FURTHER ORDERED that Defendants' motion in limine to exclude references to their motion in limine and other motion practice is **sustained** subject to revisiting or reopening at trial.

Pursuant to the August 16, 2022, pretrial conference and upon consideration of the respective motions, the Court finds as follows to Plaintiff Eugene K. Jones-El's Consolidated Motions in Limine (ECF No. 179):

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude the nature of his prior criminal convictions is **sustained** as unopposed.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude the criminal convictions of any witness is **sustained** as to Derrick Smith-Bey and **denied** as to Dustin Hefley's conviction.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to preclude Defendants from referring to Plaintiff as "the inmate," "the prisoner," or any other phrase descriptive of his status is **sustained** as unopposed.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude Plaintiff's entrance dental x-ray not produced in discovery will be held in **abeyance** until the parties notify the Court whether the x-ray exists and is available, and whether Dr. Ernest Jackson will be testifying in person during the trial or via his deposition.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude evidence or argument regarding nominal damages will be held in **abeyance**.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude Plaintiff's prison disciplinary record will be **determined** on a case-by-case basis

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude any awards/ commendations received by Defendants is **sustained** but will be **revisited** on a case-by-case basis as to each individual Defendant.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude questions or argument regarding admiration of correctional officials is **sustained** to the extent related to discussion reality of their jobs. job demands, stress, staff turn-over, high work load, short staffing, and human element but **denied** as to Defendants' character.

IT IS FURTHER ORDERED that Plaintiff's motion in limine to exclude evidence or argument regarding any award of damages being paid by the State of Missouri or Missouri taxpayers **sustained** as unopposed.

/s/ *John M. Bodenhausen*
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of August, 2022